

Notice of Allowability

Application No.

09/373,658

Examiner

Karen A. Canella

Applicant(s)

IRUELA-ARISPE ET AL.

Art Unit

4642 1643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed Feb 28, 2005.
2. ☒ The allowed claim(s) is/are 24-37, 46-56, 59, 86, 87 and 89-95, renumbered as 1-35, respectively.
3. ☒ The drawings filed on 13 August 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KARENA A. CANELLA PH.D
PRIMARY EXAMINER

S.O.O.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Hyman on June 28, 2005. This amendment is based on the Amendment After Final, filed February 28, 2005.

The application has been amended as follows:

Claim 86 has been substituted with the following:

86. An isolated polynucleotide fragment of SEQ ID NO:125 consisting of at least 50 consecutive nucleotides of SEQ ID NO:125.

Claim 87 has been substituted with the following:

87. An isolated polynucleotide consisting of between 30 and 50 consecutive nucleotides of SEQ ID NO:125.

Claim 88 has been canceled.

Claim 89 has been added

89. An isolated polynucleotide encoding a polypeptide fragment of SEQ ID NO:126, wherein said polypeptide fragment is selected from the group consisting of:

- (a) a polypeptide fragment from about residue 1 to about residue 20 of SEQ ID NO:126;
- (b) a polypeptide fragment from about residue 21 to about residue 40 of SEQ ID NO:126;
- (c) a polypeptide fragment from about residue 41 to about residue 60 of SEQ ID NO:126;
- (d) a polypeptide fragment from about residue 61 to about residue 80 of SEQ ID NO:126;
- (e) a polypeptide fragment from about residue 81 to about residue 100 of SEQ ID NO:126; and

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(f) a polypeptide fragment from about residue 101 to about residue 967 of SEQ ID NO:126.

Claims 90-95 have been added:

90. The isolated polynucleotide of claim 89, wherein said polypeptide fragment is (a).
91. The isolated polynucleotide of claim 89, wherein said polypeptide fragment is (b).
92. The isolated polynucleotide of claim 89, wherein said polypeptide fragment is (c).
93. The isolated polynucleotide of claim 89, wherein said polypeptide fragment is (d).
94. The isolated polynucleotide of claim 89, wherein said polypeptide fragment is (e).
95. The isolated polynucleotide of claim 89, wherein said polypeptide fragment is (f).

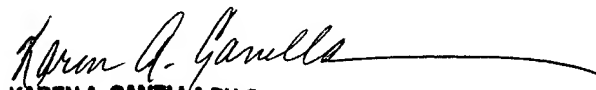
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A. Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 11 am to 10 pm, except Wed, Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on (571)272-0832. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen A. Canella, Ph.D.

6/28/2005


KARENA. CANELLA PH.D.
PRIMARY EXAMINER